

AN ACT

To further amend title 52 of the Code of the Federated States of Micronesia, as amended, by further amending section 509, as enacted by Public Law No. 9-155 and amended by Public Laws Nos. 10-62, 10-118, 10-151 and 11-41, to give the Secretary of the Department of Finance and Administration discretion over when Treasury and Budget personnel will receive overtime for certain tasks, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 509 of title 52 of the Code of the Federated
2 States of Micronesia, as enacted by Public Law No. 9-155 and amended by
3 Public Laws Nos. 10-62, 10-118, 10-151 and 11-41, is hereby further
4 amended to read as follows:

5 "Section 509. Freeze on salary increases; compensatory time
6 and overtime compensation. Notwithstanding any other
7 applicable law, there is hereby enacted:

8 (1) a freeze on annual salary step increases of all
9 employees in the public service system; and

10 (2) compensatory time, with which employees in the public
11 service system shall be credited in lieu of receiving
12 overtime compensation as otherwise authorized under the
13 National Public Service System Act and regulations
14 promulgated thereunder. Compensatory time means those hours
15 authorized in advance and worked by an employee outside
16 established work hours and for which the employee is credited
17 with one hour in the form of leave with pay for each hour of
18 work an employee is directed to work and performs in excess
19 of the regular 40 hour workweek as provided by law.

20 Compensatory time shall be accrued by National Government
21 public service employees and shall be included in the
22 compensation received by a program participant pursuant to
23 subsection (4)(c) of section 506 of this chapter; except that
24 any accumulation of time in excess of 280 hours shall be
25 forfeited unless taken before the end of the calendar year in
26 which the excess was accumulated. For purposes of computing

1 whether a program employee's accrued compensatory and/or
2 annual leave hours are in excess of 280 hours, accrued
3 compensatory time and annual leave shall be included in
4 computing the 280-hour ceiling.

5 (3) Notwithstanding the provisions of this section, an
6 employee shall be entitled to receive overtime differential,
7 retroactive to the effective date of Public Law No. 9-155, as
8 authorized under the National Public Service System Act, for:

9 (a) time worked in the event that the National
10 Government would be entitled to compensation for payment of
11 such differential under section 115 of title 50 and section
12 416 of title 22;

13 (b) time worked in the event that the National
14 Government would be entitled to compensation for payment of
15 such differential through a written agreement with a legal
16 entity that seeks to provide relief from emergency
17 conditions, as long as the time worked is directly related to
18 efforts to provide emergency relief, in accordance with an
19 emergency declared by the President under article X, section
20 9, of the Constitution of the Federated States of Micronesia;

21 (c) time worked in the event that the National
22 Government would be entitled to compensation for payment of
23 such differential through a written agreement with the Water
24 Users Corporation, as long as the time worked is directly

1 related to management and maintenance of the Capital Water
2 System; or

3 (d) time worked as follows:

4 (i) by personnel within the Division of
5 Budget in preparation of the annual budget submission at the
6 discretion of the Secretary of the Department of Finance and
7 Administration;

8 (ii) by accounting personnel within the Division
9 of Treasury in preparing the annual financial statements for
10 the FSM National Government, at the discretion of the
11 Secretary of the Department of Finance and Administration;

12 (iii) by accounting personnel within the Division
13 of Treasury in preparing reports pursuant to section 226 of
14 title 55 of the Code of the Federated States of Micronesia,
15 or a successor provision, at the discretion of the Secretary
16 of the Department of Finance and Administration.

17 Notwithstanding section 164 of this title, persons working
18 hours entitling them to overtime differential pursuant to
19 paragraph (d) of subsection (3) of this section shall receive
20 compensation at straight time for those hours."

21 Section 2. This act shall become law upon approval by the
22 President of the Federated States of Micronesia or upon its becoming
23 law without such approval.

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1 ADOPTED: June 15, 2000

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Jack Fritz
Speaker
FSM Congress

ATTEST:

Liwiana K. Ramon
Chief Clerk
FSM Congress